

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.1207 OF 1998**

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**Dated: 01-05-2007**

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Between :

SGL Degree College, Vijayawada, rep. by  
Its Correspondent P. Kanaka Durga Prasad ... Petitioner

And

1. Government of Andhra Pradesh, rep. by the  
Secretary, Education Department, Secretariat,  
Hyderabad., and another. ...Respondents

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**WRIT PETITION NO.1207 OF 1998**

**ORDER :**

The writ petitioner is a Non-aided Private Degree College being managed by Sri Kanakadurga Educational Society, Vijayawada. Under G.O.Ms.No.1209, dated 24-10-1981, the management was granted permission to start the said college during the academic year 1981-82 with first year degree course in B.A. and B.Com. Subsequently, w.e.f. 1-7-1985 the petitioner college had also started B.Sc. course and the same was ratified by the Government by Memo dated 24-10-1986.

In the meanwhile, the Government of A.P. vide G.O.Ms.No.424, Education (CE) Department, dated 19-9-1985 passed orders stipulating the conditions for admission of un-aided private degree colleges to grant-in-aid. As per G.O.Ms.No.424, all the un-aided private degree colleges which were permitted by the competent authority and which have completed 5 years of existence as on 1-9-1985 in the case of college for men and 3 years of existence in the case of college for women were eligible for admission to grant-in-aid. That apart, all other such institutions existing as on 1-3-1985 and completed the above stipulated period of existence are also eligible for admission to grant-in-aid as and when they complete the said period of 5/3 years.

Since the petitioner college had completed 5 years of existence by 1986-87, the High Level Committee constituted under G.O.Rt.No.220, Education (SSE-I) Department, dated 24-2-1988

had inspected the petitioner college and recommended for admission to grant-in-aid for all B.A., B.Com., and B.Sc. courses. Pursuant thereto, the petitioner college was admitted to grant-in-aid w.e.f. 6-10-1990. However, the grant-in-aid was restricted to B.A. and B.Com. classes only. The petitioner made a representation for inclusion of B.Sc. classes also but the same was rejected by the 1<sup>st</sup> respondent vide Memo dated 6-9-1993 on the ground that the private colleges started prior to 1-3-1985 only were eligible to grant-in-aid. Aggrieved by the same, the petitioner filed W.P.No.17214 of 1995. The said writ petition was disposed of by this Court by order dated 3-10-1996 permitting the petitioner to make a fresh representation requesting for admission to grant-in-aid for B.Sc. course and that such representation shall be considered in the light of G.O.Ms.No.333, dated 21-10-1989 in which the Government had admitted various other colleges to grant-in-aid though they were established prior to 1-9-1985. It was also observed by this Court that when the respondents admitted some of the colleges which were established prior to 1-9-1985 denial of grant-in-aid to the petitioner's college for Science Faculty which was established from 1-7-1985 is improper.

In pursuance thereof, the petitioner submitted a representation dated 28-10-1996 requesting admission to grant-in-aid to its B.Sc. course. The said request was again rejected by the Commissioner of Collegiate Education, A.P, Hyderabad, vide proceedings dated 3-12-1996 on the ground that as per the Andhra Pradesh Private Educational Institutions Grant-in-aid (Regulation) Act 22 of 1988 (for short, 'Act 22 of 1988') no private college which has been established after 1-3-1985 shall be entitled to receive any grant-in-aid. The said order is under challenge in this writ petition.

I have heard the learned Counsel for both the parties and perused the material on record.

It is to be noted that Act 22 of 1988 which has come into force w.e.f. 22-7-1985 has been enacted to regulate the payment of grant-

in-aid to the Private Educational Institutions in the State of Andhra Pradesh. Section 3 of the Act which is relevant for the purpose of the controversy raised in this writ petition may be extracted hereunder :

**“3. Regulation of grant-in-aid to private educational institutions.** (1) *Notwithstanding anything contained in G.O.Ms.No.238, Education (SSE) Department, dated the 27<sup>th</sup> May, 1986 and G.O.Ms.No.424, Education (CE) Department, dated the 19<sup>th</sup> September, 1985--*

(a) *no private educational institution other than a college established after the 1<sup>st</sup> April 1977 and existing on the 1<sup>st</sup> September, 1985 and no private college established after the 1<sup>st</sup> April, 1977 and existing on the 1<sup>st</sup> March, 1985 shall be entitled to receive any grant-in-aid unless the Committee constituted in G.O.Rt.No.220, Education (SSE-I) Department, dated the 24<sup>th</sup> February 1988 recommends that it may be admitted to grant-in-aid; and*

(b) ***no private educational institution other than a College which has been established after the 1<sup>st</sup> September, 1985 and no private college which has been established after 1<sup>st</sup> March, 1985 shall be entitled to receive any grant-in-aid.***

... ..”

It is true that as per clause (b) of sub-section (1) of Section 3 the private colleges established after 1-3-1985 are not entitled to receive any grant-in-aid. However, admittedly the petitioner college was established in the year 1981 itself and therefore the prohibition under clause (b) of Section 3 (1) is not attracted. The mere fact that B.Sc. course to which the grant-in-aid is sought by the petitioner has been started subsequently w.e.f. 1-7-1985 cannot be a valid ground to reject the petitioner's request for admission to grant-in-aid since the cut-off date provided under Section 3 (1) (b) of Act 22 of 1988 is only with reference to **establishment of the college** but not commencement of any course. On a plain reading of Section 3 (1) (b), it is clear that the expression establishment refers to bringing into

existence of the concerned educational institution only. Hence, the interpretation given by the respondents in the impugned order is erroneous and consequently the rejection of admission to grant-in-aid to the Science faculty of the petitioner institution on the ground that the course was commenced after 1-3-1985 is illegal. Therefore the impugned order is liable to be set aside on that ground alone.

Accordingly, the impugned order is set aside and the Writ Petition is disposed of with a direction to the respondents to reconsider the petitioner's request and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. No costs.

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G. ROHINI, J.

Dt.01-05-2007  
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